

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

NYKERRIA FOSTER

CIV. ACTION NO. 3:23-00156

VERSUS

JUDGE TERRY A. DOUGHTY

**WAL-MART LOUISIANA, L. L. C.,
ET AL.**

MAG. JUDGE KAYLA D. MCCLUSKY

J U D G M E N T

For the reasons assigned in the Report and Recommendation of the Magistrate Judge [Doc. No. 15] previously filed herein, and having thoroughly reviewed the record, noting the lack of objection thereto, and concurring with the findings of the Magistrate Judge under the applicable law,

IT IS ORDERED, ADJUDGED, AND DECREED that non-party Wal-Mart Louisiana, L.L.C. is **STRICKEN** from the case.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Rule 12(b)(6) Motion for Partial Dismissal [Doc. No. 11] filed by Defendant Wal-Mart, Inc. is **GRANTED IN PART**, and that Plaintiff Nykerria Foster's survival action and request for bystander damages are hereby **DISMISSED WITH PREJUDICE** pursuant to FED. R. CIV. P. 12(b)(6).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Motion to Dismiss [Doc. No. 11] otherwise is **DENIED**.

MONROE, LOUISIANA, this 5th day of September 2023.



**TERRY A. DOUGHTY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT**